



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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September 8, 2003

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LETTER OF DEFICIENCY
No. WMD 03-19

Amro Environmental Laboratories Corporation
111 Herrick Street
Merrimack, New Hampshire 03054

Attn: M. Nicoletta Borduz, President

Re: Amro Environmental Laboratories Corporation
Merrimack, New Hampshire
EPA ID No. NHD986466118

Dear Ms. Borduz

On July 10, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Amro Environmental Laboratories Corporation (Amro). The purpose of the inspection was to determine Amro's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 RSA 147-A:4/Env-Wm 353.04 – Limited Permit

At the time of the inspection, Amro was operating an elementary neutralization unit (ENU) without a Limited Permit. Hazardous waste acid solutions generated from analyses performed in Amro's labs are neutralized in containers stored in the hazardous waste storage room.

The ENU meets the definition of a hazardous waste treatment facility within RSA 147-A:2, IV because it is used to treat a hazardous waste as defined in Env-Wm 400 (*i.e.*, corrosive). DES has no record of receiving a Limited Permit application form from Amro for the ENU.

RSA 147-A:4, I requires any person who wishes to operate a hazardous waste treatment facility to first obtain a Limited Permit provided the operator meets the conditions specified in Env-Wm 353.04(b) through (o), including submission of a Limited Permit application form. Initial applications are subject to a \$500.00 fee, as referenced by Env-Wm 353.07(d).

If Amro wishes to continue to neutralize hazardous waste in containers, then DES requests that Amro obtain a Limited Permit by complying with the requirements of Env-Wm 353.04, which include submitting the enclosed New Hampshire Limited Permit application form to DES.

2. Env-Wm 504.02(d) Notification Requirements

At the time of inspection, according to DES notification records, Amro had notified as a Small Quantity Generator (less than 100 kilograms/ month). However, a review of waste disposal records indicated that Amro's generator status is that of a Full Quantity Generator, Federal Small Quantity Generator (100 - 1000 kilograms/ month) or a Full Quantity Generator, Federal Large Quantity Generator (greater than 1000 kilograms/ month).

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of the changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requested that Amro review facility hazardous waste generation rates in order to determine proper generator status; and complete and submit a subsequent notification form that accurately reflects a change in generator status.

On July 21, 2003 Amro submitted a subsequent notification form to DES; the subsequent notification changes Amro's generator status from a New Hampshire Small Quantity Generator to a New Hampshire Full Quantity Generator, Federal Small Quantity Generator. No further action is required.

3 Env-Wm 507.01(a)(3) – Storage Requirements

At the time of the inspection, one (1) container of hazardous waste stored in the hazardous waste storage room was not closed. See the attached Main Storage Area Container Inventory ("Inventory").

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that Amro ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight stated that spare drum bungs were purchased and all containers are now kept closed. No further action is required.

4. Env-Wm 507.02(a) Storage Time Requirements

At the time of the inspection, one (1) 55-gallon container marked as "Methylene Chloride/Acetone" and stored in the hazardous waste storage room was marked with an accumulation date of 04/01/03, indicating 101 days of storage time.

Env-Wm 507.02(a) requires that hazardous wastes are shipped off-site within 90-days of the date when accumulation of the waste first began.

DES requested that Amro ensure that all hazardous wastes generated on-site are shipped off-site within a period of ninety (90) days or less.

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight provided a hazardous waste manifest that indicates that the container was shipped on July 15, 2003. No further action is required.

5 Env-Wm 509.02(a)(1) - Inspection Requirements

At the time of the inspection, Amro had not documented weekly inspections of the hazardous waste storage room during 6 weeks of the 26 week period immediately prior to the inspection

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requested that Amro ensure that weekly inspections of its hazardous waste storage areas are performed and documented.

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight stated that Amro will ensure that weekly inspections will be performed by training a designee to perform all duties, including inspections, when the Safety Officer is absent. No further action is required.

6 Env-Wm 509.02(a)(4) – Preparedness and Prevention

At the time of the inspection, an internal/external communication system capable of providing immediate contact with facility personnel and local authorities (*i.e.*, fire department); and spill control equipment were not present in the hazardous waste storage room.

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to have an internal communication system capable of providing immediate contact with facility personnel, and a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. Env-Wm 509.02(a)(4), which references 40 CFR 265.32, also requires that all facilities must have required equipment, including spill control equipment. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requested that Amro maintain in the hazardous waste storage room a communication system capable of providing immediate communication with facility personnel and local authorities; and maintain spill control equipment in the hazardous waste storage room.

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight stated that Amro has installed an internal alarm and placed spill control equipment in the hazardous waste storage room. No further action is required.

7 Env-Wm 509.02(a)(5) Contingency Plan

A review of Amro's contingency plan revealed deficiencies regarding the following

- a. The plan had not been immediately amended to reflect a change in emergency coordinators;
- b. The plan does not include a physical description of emergency equipment;
- c. The plan does not describe alternate evacuation routes;
- d. The plan incorrectly identifies DES as the NH Groundwater Protection Bureau;
- e. The plan does not provide for the notification of DES prior to the resumption of activities after the implementation of the contingency plan; and
- f. The plan has not been submitted to local authorities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Amro amend the facility contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit the amended plan to the local authorities.

On July 25, 2003 DES received from Amro a faxed copy of an updated contingency plan. DES is still awaiting documentation that the plan has been submitted to the local authorities.

8. Env-Wm 509.02(b) Emergency Posting

At the time of the inspection, there was no emergency posting at the nearest telephone to the hazardous waste storage room.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

- c The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

DES requested that Amro post the required information at the nearest telephone to the hazardous waste storage room.

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight provided an emergency posting and stated that the posting is now at the nearest telephone to the hazardous waste storage room.

9 Env-Wm 509.03(g) – Satellite Storage Requirements

At the time of inspection, six (6) containers of hazardous waste being managed under the satellite storage provision were not marked with the words “hazardous waste” and with words that identify the contents of the containers.

Env-Wm 509.03(g) requires that full quantity generators utilizing the satellite storage provision mark or label containers at the time they are first used to store hazardous wastes with the words “hazardous waste” and with words that identify the contents of the containers.

DES requested that Amro properly label or mark all satellite storage containers, at the time they are first used to store hazardous waste, with the words “hazardous waste” and with words that identify the contents of the containers.

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight stated that all satellite containers now are labeled with the words “hazardous waste” and with words that identify the contents of the containers. No further action is required.

10. Env-Wm 1112.03 (a) - Management of Universal Waste Lamps

At the time of the inspection, fifteen (5) universal waste lamps were not stored in a container

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics, or damage that could result in leakage, spillage or other environmental releases.

DES requested that Amro ensure that universal waste lamps are stored in containers that meet the requirements of Env-Wm 1102.03(c).

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight stated that the universal waste light bulbs have been placed in an appropriate container. No further action is required.

Env-Wm 12.04 – Requirements for Universal Waste Lamps

At the time of the inspection, the fifteen (15) universal waste lamps were not marked with the words “Universal Waste – Lamps”, “Waste Lamp(s)”, or “Used Lamp(s).”

Env-Wm 1112.04 requires universal waste handlers to clearly label or mark each lamp or container(s) holding universal waste lamps with any of the following: “Universal Waste – Lamps”, “Waste Lamp(s)”, or “Used Lamp(s).”

DES requested that Amro clearly label or mark each lamp or container(s) holding universal waste lamps with any of the following: “Universal Waste – Lamps”, “Waste Lamp(s)”, or “Used Lamp(s).”

In a fax received on July 16, 2003 from Amro, Mr. Christopher Knight stated that the universal waste light bulbs have been labeled with the words universal waste. No further action is required.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Amro can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Amro, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.


DES

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll-free at (866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Thank you for your cooperation.

Sincerely,


COPY
Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Christopher Knight, Safety Officer, Amro

E-mail JJD/SD/SD/PM

Enclosure: Hazardous Waste Generator Inspection Report
Limited Permit Application Form